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ABSTRACT

This handbook contains sections of the Education Law of New York State which governs the licensure of occupational therapists and the practice of occupational therapy, with selected sections of the Rules of the Board of Regents and the Regulations of the Commissioner of Education which apply to occupational therapy. A short introduction to practice in New York State includes requirements for permits, registration, and assistantships. Although geographically specific, these guidelines can serve as a model elsewhere for the development of rules and regulations governing the practice of occupational therapists. (Author/BEF)

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HANDBOOK I

Professional
Education

OCCUPATIONAL THERAPY

Law
Rules
Information
(as in effect October 1, 1978)

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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William C. Sippel, Executive Secretary, State Education Department, Cultural Education Center, Albany, New York 12230.

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INTRODUCTION

This handbook contains sections of the Education Law (principally articles 130 and 156) which govern the licensure of occupational therapists and the practice of occupational therapy, with selected sections of the Rules of the Board of Regents and Regulations of the Commissioner of Education which apply to occupational therapy. Article 130 of the Education Law includes provisions which relate to all the professions. Article 156 relates specifically to occupational therapy.

At the writing of this handbook, there are almost 2,000 licensed occupational therapists in New York State. Occupational therapists are functioning throughout New York in a variety of settings, such as hospitals, rehabilitation centers, clinics, long-term and extended care facilities, private homes, schools, sheltered workshops, and community agencies and centers. The services provided include preventive and health maintenance programs; programs concerned with occupational problems, as well as medically based remedial programs.

Requirements for the practice of occupational therapy in New York State

For practice as an occupational therapist in this State, Article 156 of the Education Law requires either a license and current registration as an occupational therapist or a limited permit to practice as an occupational therapist pending issuance of a license. Both the employer and the employee may be prosecuted under Title VIII of the Education Law if an occupational therapist is employed without a license or limited permit.

Requirements for obtaining a license to practice

An applicant for licensure as an occupational therapist must be: at least 21 years of age, of good moral character, a graduate of an approved occupational therapy curriculum in a baccalaureate, master's or certificate program, have a minimum of six months of supervised occupational therapy experience satisfactory to the State Board for Occupational Therapy and the State Education Department, and

pass an examination satisfactory to the State Board for Occupational Therapy and in accordance with the Commissioner's Regulations.

(a) Educational Requirements—See section 76.1

(b) Experience requirement—for candidates who have accumulated other than full-time supervised experience, part-time experience may be counted if it is obtained at the rate of at least two full days per week (minimum 15 hours) and for continuous periods of not less than two months for an accumulated total of six months.

(c) Examination—at the discretion of the State Board for Occupational Therapy and with the approval of the Department, the certification examination of the American Occupational Therapy Association is utilized as the licensing examination. It is the responsibility of the applicant to see that the Department receives the results of the certification examination confirming a passing score. For details regarding examination cost and dates of administration contact:

The American Occupational Therapy Association, Inc.
6000 Executive Boulevard
Rockville, Maryland 20852
Telephone 301-770-2200

(d) Application form and fees—you must complete the application and pay all fees. The specifics are as follows:

(1) Complete form 1 carefully

(2) Request that the official transcripts of your education be forwarded directly to the Department using the following address:

Occupational Therapy Unit
Division of Professional Licensing Services
State Education Department
Cultural Education Center
Albany, New York 12230

(3) The initial fee of $80 will cover the license application and first biennial registration as determined by Education Law. (Do not send cash.)

(4) Direct any questions to the Occupational Therapy Unit (Item 2).

Requirement for obtaining a limited permit

As soon as evidence of satisfactory education is submitted, a candidate for licensure may apply for a limited permit to practice occupational therapy under supervision. The limited permit is designed to cover the period from the completion of the educational program until the licensing examination results are received. The limited permit is valid for a period of one year and may be renewed once for a period not to exceed one year at the discretion of the Department because of personal or family illness or other extenuating circumstances which prevent the permittee from becoming licensed. The limited permit shall become void if the holder thereof fails a licensing examination.

A permittee shall be authorized to practice occupational therapy only under the supervision of a licensed occupational therapist or a licensed physician and shall practice only in a public, voluntary or proprietary hospital or health care agency. Please note that the permittee must be in possession of the permit before employment.

The fee for a limited permit is $20.

Biennial registration

Every licensed occupational therapist who engages in practice must register with the State Education Department biennially. Each biennial period begins on April 1 of even-numbered years.

Occupational Therapy Assistants

Since the demand for occupational therapy services increased more rapidly than professional personnel could be supplied, the American Occupational Therapy Association acknowledged the potential value of supportive personnel, especially occupational therapy assistants. Standards for education and recognition of occupational therapy assistants were established in 1958.

Occupational therapy assistants are provided for in the Occupational Therapy Practice Act and must be certified by the Department prior to practice. For an explanation of requirements please review section 76.5 of Commissioner's regulations in this handbook.

Examination. No examination is required for occupational therapy assistants. Certification is on the basis of approved education.

Limited Permit. Candidates are eligible for certification as soon as their program is completed; no limited permit is provided for occupational therapy assistants.

Biennial Registration. Every two years, the occupational therapy assistant will be required to reregister as long as he or she practices in New York State. At least four months prior to the beginning date of the registration period, the Department will mail to each licensed practitioner at the last recorded address an application for registration.

Application Materials. Direct inquiries to:

Occupational Therapy Unit
Division of Professional Licensing Services
State Education Department
Cultural Education Center
Albany, New York 12230

STATUTORY PROVISIONS

Education Law

TITLE VIII OF THE EDUCATION LAW

ARTICLE 130: GENERAL PROVISIONS

SUBARTICLE 1. INTRODUCTORY SUMMARY.

§6500. Introduction. This title provides for regulation of the admission to and the practice of certain professions. This first article applies to all the professions included in this title, except that prehearing procedures and hearing procedures in connection with the regulation of professional conduct of the profession of medicine shall be conducted pursuant to the provisions of Title II-A of article two of the public health law. Each of the remaining articles applies to a particular profession.

§6501. Admission to a profession (licensing). Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the education department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession.

§6502. Duration and registration of a license. 1. A license shall be valid during the life of the holder unless revoked, annulled or suspended by the board of regents. A licensee must register biennially with the department to practice in this state.

2. The department shall establish the beginning dates of the two-year registration for each profession and mail an application for registration to every licensee currently registered at least four months prior to the beginning of the registration period for the respective profession.

3. An application for registration and the required registration fee shall be submitted together with or as a part of the application for a license. A person initially licensed in the last ninety days of a two-year registration period shall be registered for the succeeding registration period without an additional registration fee. The department

shall renew the registration of each licensee upon receipt of a proper application, on a form prescribed by the department, and the registration fee. Any licensee who fails to register by the beginning of the appropriate registration period shall be required to pay an additional fee for late filing of five dollars for each month that registration has been delayed while such licensee continued to practice his profession.

4. Any licensee who is not engaging in the practice of his profession in this state and does not desire to register shall so advise the department. Such licensee may subsequently register and resume practice without paying an additional fee for failure to register at the beginning of the registration period.

5. Any licensee resuming practice after a lapse of registration, may commence practice upon mailing to the department a proper application and fee provided, however, that such practice without actual possession of the registration may continue for not more than ninety days.

6. Licensees shall notify the department of any change of name or mailing address within sixty days of such change.

§6503. Practice of a profession. Admission to the practice of a profession (1) entitles the licensee to practice the profession as defined in the article for the particular profession (2) entitles the individual licensee to use the professional title as provided in the article for the particular profession, and (3) subjects the licensee to the procedures and penalties for professional misconduct as prescribed in this article (sections sixty-five hundred nine, sixty-five hundred ten, and sixty-five hundred eleven).

§6504. Regulation of the professions. Admission to the practice of the professions (licensing) and regulation of such practice shall be supervised by the board of regents (section sixty-five hundred six) and administered by the education department (section sixty-five hundred seven), assisted by a state board for each profession (section sixty-five hundred eight.)

§6505. Construction. No definition of the practice of a profession shall be construed to restrain or restrict the performance of similar acts authorized in the definition of other professions.

SUBARTICLE 2. STATE MANAGEMENT.

§6506. Supervision by the board of regents. The board of regents shall supervise the admission to and the practice of the professions. In supervising, the board of regents may:

(1) Promulgate rules;

(2) Establish by rule, high school, preprofessional, professional and other educational qualifications required for licensing in the professions regulated by this title;

(3) Charter schools offering educational programs for the professions regulated by this title, and no such school shall operate in this state without such a charter, except Columbia University, any school chartered by special act of the legislature prior to September one, nineteen hundred seventy-one, and schools specifically authorized to conduct such programs by the regents;

(4) Appoint such committees as it deems necessary and compensate members of such committees who are not members of the board of regents or the department up to one hundred dollars per day for each day devoted to committee functions, together with their necessary expenses;

(5) Waive education, experience and examination requirements for a professional license prescribed in the article relating to the profession, provided the board of regents shall be satisfied that the requirements of such article have been substantially met;

(6) Indorse a license issued by a licensing board of another state or country upon the applicant fulfilling the following requirements:

(a) Application: file an application with the department;

(b) Education: meet educational requirements in accordance with the commissioner's regulations;

(c) Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;

(d) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

(e) Age: be at least twenty-one years of age;

(f) Citizenship: be a United States citizen, or file a declaration of intention to become a citizen, unless such requirement is waived, in accordance with the commissioner's regulations;

(g) Character: be of good moral character as determined by the department; and

(h) Fees: pay a fee to the department for indorsement of one hundred dollars;

(7) Direct the department to remedy any error, omission, delay or other circumstance in the issuance or registration of a license;

(8) Designate a professional conduct officer on recommendation of the commissioner in connection with professional licensing and misconduct proceedings and criminal matters, such officer to be empowered to issue subpoenas and administer oaths in connection with such proceedings;

(9) Establish by rule, standards of conduct with respect to advertising, fee splitting, practicing under a name other than that of the individual licensee (when not specifically authorized), proper use of academic or professional degrees or titles tending to imply professional status, and such other ethical practices as such board shall deem necessary; and

(10) Delegate to department officers the disposition of any licensing matters pursuant to rules.

§6507. Administration by the education department. 1. The commissioner and the department shall administer the admission to and the practice of the professions.

2. In administering, the commissioner may:
   a. Promulgate regulations;
   b. Conduct investigations;
   c. Issue subpoenas;
   d. Grant immunity from prosecution in accordance with section 50.20 of the criminal procedure law to anyone subpoenaed in any investigation or hearing conducted pursuant to this title; and
   e. Excuse, for cause acceptable to the commissioner, the failure to register biennially. Such excuse shall validate and authorize such practitioner's right to practice pending registration.

3. The department assisted by the board for each profession, shall:
   a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession;
   b. Review qualifications in connection with licensing requirements; and

c. Provide for licensing examinations and reexaminations.

4. The department shall:

a. Register or approve educational programs designed for the purpose of providing professional preparation which meet standards established by the department;

b. Issue licenses, registrations, and limited permits to qualified applicants;

c. (i) Issue a certificate of authority to a qualified professional service corporation being organized under section fifteen hundred three of the business corporation law on payment of a fee of twenty-five dollars, (ii) file a certified copy of each certificate of incorporation and amendment thereto within thirty days after the filing of such certificate or amendment on payment of a fee of ten dollars, (iii) file the annual statement required by section fifteen hundred fourteen of the business corporation law on payment of a fee of ten dollars;

d. Revoke limited permits on the recommendation of the committee on professional conduct for the profession concerned;

e. Maintain public records of licenses issued and retain in its files identifying data concerning each person to whom a license has been issued; and

f. Collect the fees prescribed by this title or otherwise provided by law.

5. The commissioner and the department shall perform any other functions necessary to implement this title.

§6508. Assistance by state boards for the professions. 1. A board for each profession shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing, practice, and conduct. The composition of each board shall be as prescribed in the article relating to each profession. Within each board a committee on licensing and one or more committees on professional conduct may be appointed by the board chairman.

Except as provided in paragraph (a) of this subdivision, the membership of each professional licensing board shall be increased by one member, and each such board shall have at least one public representative who shall be selected by the board of regents from the general public.

a. The membership of the professional licensing boards created under sections sixty-five hundred twenty-three, sixty-eight hundred four, sixty-nine hundred three, and seventy-four hundred three of this chapter shall be increased by two members, and each such board shall have at least two public representatives, who shall be selected by the board of regents from the general public.

b. For the purposes of this title, a "public representative" shall be a person who is a consumer of services provided by those licensed or otherwise supervised or regulated by the boards created hereunder, and shall not be, nor within five years immediately preceding appointment, have been:

(i) a licensee or person otherwise subject to the supervision or regulation of the board to which appointed; or

(ii) a person maintaining a contractual relationship with a licensee of such board, which would constitute more than two percentum of the practice or business of any such licensee, or an officer, director or representative of such person or group of persons.

2. Each board, or its committee on licensing, shall select or prepare examinations, may conduct oral and practical examinations and reexaminations, shall fix passing grades, and assist the department in other licensing matters as prescribed by the board of regents.

3. Each board, or its committee or committees on professional conduct, shall conduct disciplinary proceedings as prescribed in this article and shall assist in other professional conduct matters as prescribed by the board of regents. Former members of each board may be reappointed by the board of regents, on the recommendation of the commissioner, to serve as members of the board and of its committee or committees on professional conduct for the sole purpose of conducting disciplinary proceedings pursuant to this article. Former board members so appointed may not comprise a majority of any hearing panel.

4. Members of each board shall be appointed by the board of regents for five-year terms except that the terms of those first appointed shall be arranged so that as nearly as possible an equal number shall terminate annually. A vacancy occurring during a term shall be filled by an appointment by the board of regents for the unexpired term. Each state professional association or society may nominate one or more candidates for each appointment to be made to the board for its profession, but the board of regents shall not be required to appoint candidates so nominated.

5. Each member of a board shall receive a certificate of appointment, shall before beginning his term of office file a constitutional oath of office with the secretary of state, shall receive up to one hundred dollars as prescribed by the board of regents for each day devoted to board work, and shall be reimbursed for his necessary expenses. No member shall serve beyond the age of seventy. Any member may be removed from a board by the board of regents for misconduct, incapacity or neglect of duty.

6. Each board shall elect from its members a chairman and vice-chairman annually, shall meet upon call of the chairman or the department, and may adopt bylaws consistent with this title and approved by the board of regents. A quorum for the transaction of business by the board shall be a majority of members but not less than five members.

7. An executive secretary to each board shall be appointed by the board of regents on recommendation of the commissioner. Such executive secretary shall not be a member of the board, shall hold office at the pleasure of, and shall have the powers, duties and annual salary prescribed by the board of regents.

SUBARTICLE 3. PROFESSIONAL MISCONDUCT.

§6509. Definitions of professional misconduct. Each of the following is professional misconduct, and any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten shall be subject to the penalties prescribed in section sixty-five hundred eleven:

(1) Obtaining the license fraudulently,

(2) Practicing the profession fraudulently, beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion,

(3) Practicing the profession while the ability to practice is impaired by alcohol, drugs, physical disability, or mental disability,

(4) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects,

(5) Being convicted of committing an act constituting a crime under;

a. New York State law or,

b. Federal law or,

c. The law of another jurisdiction and which, if committed within this state would have constituted a crime under New York State law.

(6) Refusing to provide professional service to a person because of such person's race, creed, color, or national origin,

(7) Permitting, aiding or abetting an unlicensed person to perform activities requiring a license,

(8) Practicing the profession while the license is suspended or wilfully failing to register or notify the department of any change of name or mailing address, or, if a professional service corporation wilfully failing to comply with section fifteen hundred three and fifteen hundred fourteen of the business corporation law, or

(9) Committing unprofessional conduct, as defined by the board of regents in its rules or by the commissioner in regulations approved by the board of regents.

(10) A willful violation by a licensed physician of subdivision eleven of section two hundred thirty of the public health law.

§6510. Proceedings in cases of professional misconduct. In cases of professional misconduct the proceedings shall consist of (1) prehearing procedures by the education department, (2) hearing procedures by the committee on professional conduct for the particular profession, (3) decision procedures by the board of regents, and (4) review procedures by the appellate division of the third judicial department, as follows:

§6509-a. Additional definition of professional misconduct; limited application.

Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-two, one hundred thirty-three, one hundred thirty-seven, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-six and one hundred fifty-nine of this chapter may be revoked, suspended or annulled or such person may be subject to any other penalty provided in section sixty-five hundred eleven of this article in accordance with the provisions and procedure of this article for the following:

That any person subject to the above enumerated articles, has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting or refunding of a fee for, or has directly requested, received or profited by means of a

credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of professional care, or service, including x-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, x-ray laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment under this chapter, except payment, not to exceed thirty-three and one-third per centum of any fee received for x-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment. Nothing contained in this section shall prohibit such persons from practicing as partners, in groups or as a professional corporation nor from pooling fees and moneys received, either by the partnerships, professional corporations or groups by the individual members thereof, for professional services furnished by an individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships, corporations or groups be prohibited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement; provided that no such practice as partners, corporations or in groups or pooling of fees or moneys received or shared, division or apportionment of fees shall be permitted with respect to care and treatment under the workmen's compensation law except as expressly authorized by the workmen's compensation law. Nothing contained in this chapter shall prohibit a medical or dental expense indemnity corporation pursuant to its contract with the subscriber from prorationing a medical or dental expense indemnity allowance among two or more professionals in proportion to the services rendered by each such professional at the request of the subscriber, provided that prior to payment thereof such professionals shall submit both to the medical or dental expense indemnity corporation and to the subscriber statements itemizing the services rendered by each such professional and the charges therefor.

1. Prehearing procedures.

a. Complaint. A complaint of a licensee's professional miscon-

duct may be made by any person to the education department.

b. Investigation. The department shall investigate each complaint. The results of the investigation shall be referred to the professional conduct officer designated by the board of regents. If such officer decides that a hearing is warranted, on the basis of an alleged violation of subdivision five of section sixty-five hundred nine of this article, he shall request the attorney general to prepare the charges. If such officer decides that a hearing is warranted on the basis of an alleged violation of other or additional charges of professional misconduct he shall refer the matter to a panel of three or more members of the committee on professional conduct for the particular profession. If such panel agrees that a hearing is warranted, the department shall request the attorney general to prepare the charges. If the professional conduct officer and the committee on professional conduct agree that there is substantial evidence of misconduct, but that such misconduct is of a minor or technical nature, the investigation may be terminated by the issuance of an administrative warning by the professional conduct officer. Such warnings shall be confidential and shall not constitute an adjudication of guilt or be used as evidence that the licensee is guilty of the alleged misconduct. However, in the event of a further charge of similar misconduct by the same licensee the investigation may be reopened and further proceedings instituted as provided in this section.

c. Charges. Upon such request the attorney general shall prepare the charges if he decides that a hearing is warranted. The charges shall state the alleged professional misconduct and shall state concisely the material facts but not the evidence by which the charges are to be proved.

d. Notice of hearing. The department shall set the time and place of the hearing and shall prepare the notice of hearing. The notice of hearing shall state (1) the time and place of the hearing, (2) that the licensee may file a written answer to the charges prior to the hearing, (3) that the licensee shall appear personally at the hearing and may be represented by counsel, (4) that the licensee shall have the right to produce witnesses and evidence in his behalf, to

cross-examine witnesses and examine evidence produced against him, and to have subpoenas issued in his behalf to require the production of witnesses and evidence in manner and form as prescribed by the civil practice law and rules, (5) that a stenographic record of the hearing will be made, and (6) such other information as may be considered appropriate by the department.

e. Service of charges and of notice of hearing. A copy of the charges and the notice of hearing shall be served on the licensee personally by the department at least fifteen days before the hearing. If personal service cannot be made after due diligence and such fact is certified under oath, a copy of the charges and the notice of hearing shall be served by registered mail to the licensee's last known address by the department at least twenty days before the hearing.

2. Hearing procedures.

a. Hearing panel. The hearing shall be conducted by a panel of five or more members of the committee on professional conduct for the particular profession. The panel shall be appointed by the committee chairman who shall designate the panel chairman.

b. Conduct of hearing. The evidence in support of the charges shall be presented by the attorney general or his designee. The licensee shall have the rights required to be stated in the notice of hearing (subparagraph d of subdivision one of this section). The panel shall not be bound by the rules of evidence, but its determination of guilt shall be based on substantial legal evidence.

c. Results of hearing. As a result of the hearing the panel (1) shall make findings of fact, (2) shall make a determination of guilty or not guilty on each charge, and (3) in the event of a determination of guilty, shall make a recommendation of the penalty to be imposed. For the panel to make a determination of guilty, a minimum of four-fifths of the panel must vote for such a determination.

d. Disposition of results. The panel shall transmit to the board of regents the transcript of the hearing and the results of the hearing and shall transmit to the licensee the results of the hearing unless the board shall have established a bylaw providing for a review of the record of findings and deter-

mination of the panel by the committee on professional misconduct. If such review is required, the committee shall review the record and transcript of the hearing and make a finding and recommendation by a four-fifths vote. The transcript and results of the hearing and the findings and recommendation of the committee shall then be transmitted to the board of regents. The licensee shall be advised of the results.

3. Regents decision procedures.
   a. Regents review committee. The transcript and results of the hearing and the recommendation, if any, of the committee shall be reviewed at a meeting by a committee appointed by the board of regents. The committee shall consist of three members, at least one of whom shall be a regent.
   b. Review committee meetings. The review shall be based on the transcript, results of the hearing and the recommendation, if any, of the committee, but the licensee may appear at the meeting, and the review committee may require him to appear. The licensee may be represented by counsel. The review committee shall notify the licensee at least seven days before the meeting (1) of the time and place of the meeting, (2) of his right to appear, (3) of his right to be represented by counsel, (4) whether or not he is required to appear, and (5) of such other information that may be considered appropriate. After the meeting the committee shall transmit a written report of its review to the board of regents.
   c. Regents decision and order. The board of regents (1) shall consider the transcript, results of the hearing and the recommendation, if any, of the committee and the report of its review committee, (2) shall decide whether the licensee is guilty or not guilty on each charge, (3) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (4) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board. If the board disagrees with the hearing panel's determination of not guilty, it shall remand the matter to the panel for a new hearing after which the panel's determination of not guilty shall be final.

4. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the attorney general.
5. The provisions of this section shall not be applicable to proceedings in cases of professional misconduct involving the medical profession.

§6510-a. Proceedings in cases of professional misconduct involving the medical profession.

1. Prehearing procedures, hearing procedures and summary action procedures. Prehearing procedures, hearing procedures and summary action procedures in cases of professional misconduct involving the medical profession shall be conducted pursuant to the provisions of Title II-A of article two of the public health law.
2. Regents decision and order. Within sixty days of the transfer of a case of professional misconduct involving the medical profession by the commissioner of health pursuant to section two hundred thirty of the public health law, the board of regents (a) shall consider the transcript, exhibits and other evidence, if any, the findings, conclusions and recommendation of the committee on professional misconduct and the recommendation of the commissioner of health, (b) shall decide whether the licensee is guilty or not guilty on each charge, (c) shall decide what penalties, if any, to impose as prescribed in section sixty-five hundred eleven of this article, and (d) shall issue an order to carry out its decisions. Such decisions shall require the affirmative vote of a majority of the members of the board.
3. Time limitations. a. No failure to comply with a provision of this section requiring that a specified action shall be taken within a specified period of time shall affect the validity of the action taken.
   b. The time limitations specified in this section for the completion of specified actions may be extended, upon application of a licensee or his attorney, for good cause shown, upon application made prior to the expiration of such time limitations.

4. Court review procedures. The decisions of the board of regents may be reviewed pursuant to the proceedings under article seventy-eight of the civil practice law and rules. Such proceedings shall be returnable before the appellate division of the third judicial department, and such decisions shall not be stayed or enjoined except upon application to such appellate division after notice to the attorney general.

§6511. Penalties for professional misconduct. The penalties which may be imposed by the board of regents on a present or former licensee found guilty of professional misconduct (under the definitions and proceedings prescribed in sections sixty-five hundred nine, sixty-five hundred ten and sixty-five hundred ten-a of this article) are: (1) censure and reprimand, (2) suspension of license, (a) wholly, for a fixed period of time; (b) partially, until the licensee successfully completes a course of retraining in the area to which the suspension applies; (c) wholly, until the licensee successfully completes a course of therapy or treatment prescribed by the regents; (3) revocation of license, (4) annulment of license or registration, (5) limitation on registration or issuance of any further license, and (6) a fine not to exceed five thousand dollars. The board of regents may stay such penalties and place the licensee on probation and may restore a license which has been revoked.

SUBARTICLE 4. UNAUTHORIZED ACTS.

§6512. Unauthorized practice a crime.

1. Anyone not authorized to practice under this title who practices or offers to practice or holds himself out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who practices any profession as an exempt person during the time when his professional license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice a profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of a profession, shall be guilty of a class A misdemeanor.
2. Anyone who knowingly aids or abets three or more unlicensed persons to practice a profession or employs or holds such unlicensed persons out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts,

or who knowingly aids or abets three or more persons to practice any profession as exempt persons during the time when the professional licenses of such persons are suspended, revoked or annulled, shall be guilty of a class E felony.

§6513. Unauthorized use of a professional title a crime. 1. Anyone not authorized to use a professional title regulated by this title, and who uses such professional title, shall be guilty of a class A misdemeanor.

2. Anyone who knowingly aids or abets three or more persons not authorized to use a professional title regulated by this title, to use such professional title, or knowingly employs three or more persons not authorized to use a professional title regulated by this title, who use such professional title in the course of such employment, shall be guilty of a class E felony.

§6514. Criminal proceedings. 1. All alleged violations of sections sixty-five hundred twelve or sixth-five hundred thirteen of this article shall be reported to the department which shall cause an investigation to be instituted. If the investigation substantiates that violations exist, such violations shall be reported to the attorney general with a request for prosecution.

2. The attorney general shall prosecute such alleged offenses in the name of the state provided, however, in the event of alleged violations of article one hundred fifty-five of this title occurring in cities with a population of one million or more, a district attorney may prosecute such alleged offenses in the name of the state provided, however, that any district attorney may prosecute such offenses where they are incidental to a criminal prosecution instituted by him under other statutes.
3. All criminal courts having jurisdiction over misdemeanors are hereby empowered to hear, try and determine alleged violations under this title, which constitute misdemeanors, without indictment and to impose applicable punishment of fines or imprisonments or both. It shall be necessary to prove in any prosecution under this title only a single prohibited act or a single holding out without proving a general course of conduct.
4. A proceeding before a committee on professional conduct shall not be deemed to be a criminal proceeding within the meaning of this section.

§6515. Restraint of unlawful acts. Where a violation of this title is alleged to have occurred, the attorney general or, in the event of alleged violations of article one hundred fifty-five of this title occur-

ring in the cities having a population of one million or more, the corporation counsel may apply to the supreme court within the judicial district in which such violation is alleged to have occurred for an order enjoining or restraining commission or continuance of the unlawful acts complained of. The court shall have jurisdiction of the proceedings and shall have power to grant such temporary relief or restraining order as it deems just and proper. In any such proceeding it shall be unnecessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if such order were not granted. The remedy provided in this section shall be in addition to any other remedy provided by law or to the proceedings commenced against a licensee under this title.

(As amended, close of Legislature, 1978)

ARTICLE 156: OCCUPATIONAL THERAPY

§7900. *Introduction*. This article applies to the profession of occupational therapy. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§7901. *Definition*. The practice of the profession of occupational therapy is defined as the functional evaluation of the client and the planning and utilization of a program of purposeful activities to develop or maintain adaptive skills, designed to achieve maximal physical and mental functioning of the patient in his daily life tasks. Such treatment program shall be rendered on the prescription or referral of a physician. However, nothing contained in this article shall be construed to permit any licensee hereunder to practice medicine or psychology, including psychotherapy.

§7902. *Practice of occupational therapy and use of title "occupational therapist"*. Only a person licensed or otherwise authorized to practice under this article shall practice occupational therapy or use the title "occupational therapist".

§7903. *State board for occupational therapy*. A state board for occupational therapy shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven licensed occupational therapists, and two additional members who shall include one physician, and one member who is primarily and actively engaged in hospital administration. Members of the first board, who are occupational therapists, need not be

licensed prior to their appointment to the board. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner.

§7904. *Requirements for a professional license.* To qualify for a license as an occupational therapist, an applicant shall fulfill the following requirements:

(1) File an application with the department.

(2) Have satisfactorily completed an approved occupational therapy curriculum in a baccalaureate or master's program or a certificate program satisfactory to the department which is substantially equivalent to a baccalaureate degree program, in accordance with the commissioner of education's regulations.

(3) Have a minimum of six months of supervised occupational therapy experience which supervision and experience shall be satisfactory to the board of occupational therapy and in accordance with the commissioner's regulations.

(4) Pass an examination satisfactory to the board of occupational therapy and in accordance with the commissioner's regulations.

(5) Be at least twenty-one years of age.

(6) Meet no requirements as to United States citizenship.

(7) Be of good moral character as determined by the Department.

(8) Fees: pay a fee of eighty dollars to the department for admission to a department conducted examination and for an initial license, a fee of forty dollars for each re-examination, a fee of fifty dollars for an initial license for persons not requiring admission to a department conducted examination, and for each biennial registration thirty dollars.

§7905. *Limited permits.* Permits limited as to eligibility, practice, and duration, shall be issued by the department to eligible applicants as follows:

(1) The following persons shall be eligible for a limited permit:

(a) An occupational therapist who has graduated from an occupational therapy curriculum with a baccalaureate degree or certificate in occupational therapy which is substantially equivalent to a baccalaureate degree satisfactory to the board of occupational therapy and in accordance with the commissioner's regulations; or

(b) A foreign occupational therapist who is in this country on a non-immigration visa for the continuation of occupational

therapy study, pursuant to the exchange student program of the United States Department of State.

(2) A permittee shall be authorized to practice occupational therapy only under the supervision of a licensed occupational therapist or a licensed physician and shall practice only in a public, voluntary, or proprietary hospital or health care agency.

(3) A limited permit shall be valid for one year. It may be renewed once for a period not to exceed one additional year, at the discretion of the department, upon the submission of an explanation satisfactory to the department for an applicant's failure to become licensed within the original one-year period. A limited permit shall become null and void if and when the holder thereof fails to pass a licensing examination.

(4) The fee for a limited permit shall be twenty dollars.

§7906. *Exempt persons.* This article shall not be construed to affect or prevent the following, provided that no title, sign, card or device shall be used in such manner as to tend to convey the impression that the person rendering such service is a licensed occupational therapist:

(1) A licensed physician from practicing his profession as defined under article one hundred thirty-one and article one hundred thirty-one-A, as added by chapter eleven hundred thirty-five of the laws of nineteen hundred seventy-one, respectively.

(2) Qualified members of other licensed or legally recognized professions from performing work incidental to the practice of their profession, except that such persons may not hold themselves out under the title occupational therapist or as performing occupational therapy.

A student from engaging in clinical practice as part of an accredited program in occupational therapy, pursuant to subdivision three of section seventy-nine hundred four of this article.

(4) The care of the sick by any person, provided such person is employed primarily in a domestic capacity. This shall not authorize the treatment of patient in a home care service of any hospital, clinic, institution or agency.

(5) An employee of a federal agency from using the title of practicing as an occupational therapist insofar as such activities are required by his salaried position and the use of such title shall be limited to such employment.

(6) The following people from working under the direct supervision of a licensed occupational therapist or a licensed physician:

Occupational therapy assistants certified by the commissioner as having successfully completed a program for occupational therapy assistants in accordance with the commissioner's regulations. However, in the case of those working under a licensed physician such exemption shall apply only in a public, voluntary or proprietary hospital or health or home care agency. All such certified occupational therapy assistants shall register biennially with the education department in accordance with regulations of the commissioner. The fee for such certification shall be twenty dollars, and for each biennial registration, ten dollars.

(7) The following people from working under the direct supervision of a licensed occupational therapist:

An individual employed by the state or municipal government at the effective date of this act who performs supportive services in occupational therapy solely for the time such person continues in that employment.

(8) Any occupational therapist who is licensed in another state, United States possession or country or who has received at least a baccalaureate degree or its equivalent in occupational therapy and who is either in this state for the purposes of (a) consultation, provided such practice is limited to such consultation; or (b) an occupational therapist authorized to practice in another state or country from conducting a teaching clinical demonstration in connection with a program of basic clinical education, graduate education or post graduate education in an approved school of occupational therapy or its affiliated clinical facility or health care agency or before a group of licensed occupational therapist; or (b) because he resides near a border of this state, provided such practice is limited in this state to the vicinity of such border and said occupational therapist does not maintain an office or place to meet patients or receive calls in this state.

§7907. *Special conditions.* A person who on the effective date of this act:

(1) submits evidence of a minimum of three years experience with training satisfactory to the board in occupational therapy

and in accordance with the regulations of the commissioner; or

(2) a baccalaureate degree or its equivalent in occupational therapy, shall be licensed upon the filing of an application with the department of education within six months of the effective date of this act.

RULES OF THE BOARD OF REGENTS

PART 3

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

§3.3 Board of Regents disciplinary procedures. The following rules shall apply to disciplinary proceedings brought pursuant to the provisions of Title VIII of the Education Law:

(a) The respondent shall be given at least 20 days' notice of the time and place of the meeting of the Regents review committee scheduled to review the results of respondent's disciplinary hearing.

(b) The respondent shall have 12 days to file a brief with the director of the Division of Professional Conduct. The original and 10 copies of respondent's brief shall be filed. The assistant attorney general may submit an answering brief, with a copy to respondent, at least one day prior to the scheduled date for review.

(c) The time to be allotted to counsel for presentation of their arguments shall be determined by the Regents review committee.

(d) After the meeting of the Regents review committee, it shall transmit a written report of its review to the Board of Regents. The report shall be signed by the chairman or by a majority of the members of the Regents review committee which reviewed the matter.

(e) The Commissioner of Education shall execute all orders in connection with disciplinary proceedings, as directed by the Board of Regents. Orders shall take effect as of the date of service except as otherwise provided.

(f) An application for reconsideration of a determination of the Board of Regents in disciplinary proceedings conducted pursuant to Education Law section 6510 may be made, in writing, at any time subsequent to the service of the order of the Commissioner of Education in accordance with such determination. No such application will be granted in the absence of a showing that the determination

was rendered under a misunderstanding as to the facts, or was based on an error of law, or that there is new and material evidence which was not previously available, or that circumstances have occurred subsequent to the original determination which warrant reconsideration of the measure of discipline. The original and nine copies of each such application and all supporting papers shall be submitted to the director of the division of professional conduct, who shall deliver one copy to the assistant attorney general assigned to the case, and shall refer the application to a Regents review committee or, if the determination was made pursuant to the provisions of Article II-A of the Public Health Law to the Commissioner of Health. Oral argument on applications submitted to a Regents review committee will not be permitted, unless requested by such committee, but the respondent may submit evidence in affidavit form and a brief, and the Attorney General may submit answering affidavits and a brief within 20 days after receipt of the application. The Regents review committee or the Commissioner of Health shall submit recommendations in writing to the Board of Regents, which shall make the final determination on all such applications.

§3.47 Requirements for earned degrees. (a) No earned degree shall be conferred unless the candidate has had a preliminary education of at least a four-year high school course, or its equivalent, as determined by the commissioner. Satisfactory evidence of such preliminary education must be offered before beginning the course of study for the degree.

(b) No earned degree shall be conferred in this State on any person who has not completed the course of studies requisite to such degree, which institution shall be authorized to confer the same. No earned undergraduate or graduate degree shall be conferred unless the applicant has completed a course of study registered by the department.

(c) Undergraduate degrees. Undergraduate degrees shall be distinguished, as follows, by the minimum amount of liberal arts content required for each degree. The required liberal arts core shall not be directed toward specialized study or specific occupational or professional objectives.

* * *

(1) Three-quarters of the work for the following degrees shall be in the liberal arts and sciences:

Bachelor of Arts (A.B. or B.A.)

(2) One-half of the work for the following degrees shall be in the liberal arts and sciences;

Bachelor of Science (B.S.)

PART 29

UNPROFESSIONAL CONDUCT

(Statutory authority: Education Law, § 6506)

Sec.		Sec.	
29.1	General provisions for all professions	29.2	General provisions for health professions

Historical Note

Part (§29.1) filed Aug. 4, 1971; repealed, new PART (§§29.1–29.13) filed Aug. 2, 1977 eff. Oct. 1, 1977.

Section 29.1 General provisions for all professions. (a) Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.

(b) Unprofessional conduct in the practice of any profession licensed or certified pursuant to title 8 of the Education Law shall include:

(1) willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;

(2) exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;

(3) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;

(4) permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law;

(5) conduct in the practice of a profession which evidences moral unfitness to practice the profession;

(6) willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;

(7) failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;

(8) revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;

(9) practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;

(10) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;

(11) performing professional services which have not been duly authorized by the patient or client or his or her legal representative;

(12) advertising or soliciting for patronage that is not in the public interest:

(i) Advertising or soliciting not in the public interest shall include but not be limited to advertising that:

(a) is false, fraudulent, deceptive, misleading, sensational or flamboyant;

(b) represents intimidation or undue pressure;

(c) uses testimonials;

(d) guarantees any service;

(e) offers gratuitous services or discounts in connection with professional services; but this clause shall not be construed to relate to the negotiation of fees between professionals and patients or clients, or to prohibit the rendering of professional services for which no fee is charged;

(f) makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or

(g) states or includes prices for professional services, except as provided for in clause *(b)* of subparagraph (ii) of this paragraph;

(ii) The following shall be deemed appropriate means of informing the public of the availability of professional services:

(a) informational advertising not contrary to the foregoing prohibitions; and

(b) the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect;

(iii) *(a)* all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department or in the case of physicians, physician's and specialist's assistants, the Department of Health;

(b) A licensee shall not compensate or give anything of value to representatives of the press, radio, television or other com-

munications media in anticipation of or in return for professional publicity in a news item;

(iv) No demonstrations, dramatizations, or other portrayals of professional practice shall be permitted in advertising on radio or television;

(13) failing to respond within 30 days to written communications from the Education Department and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was sent from the department by registered or certified mail, with return receipt requested, to the address appearing in the last registration.

(14) violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law section 6511.

Historical Note

Sec. filed Aug. 4, 1971; repealed, new filed Aug. 2, 1977; amds. filed: Oct. 3, 1977; Oct. 24, 1978 eff. Dec. 1, 1978.

29.2 General provisions for health professions. (a) Unprofessional conduct shall also include in the professions of:

medicine	ophthalmic dispensing
acupuncture	psychology
physical therapy	social work
physician's assistant	massage
specialist's assistant	occupational therapy
chiropractic	speech pathology
dentistry	audiology
dental hygiene	nursing
pharmacy	(registered professional nurse,
podiatry	licensed practical nurse):
optometry	

(1) abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;

(2) willfully harassing, abusing or intimidating a patient either physically or verbally;

(3) failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;

(4) using the word "Doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;

(5) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(6) upon a patient's written request, failing to make available to a patient, or, to another licensed health practitioner consistent with that practitioner's authorized scope of practice, copies of the record required by paragraph (3) of this subdivision and copies of reports, test records, evaluations or X-rays relating to the patient which are in the possession or under the control of the licensee, or failing to complete forms or reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate may not be required as a condition for making such records available. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of his or her professional judgment, he or she believes release of such information would adversely affect the patient's health, and this section shall not require release, to the parent or guardian of a minor, of records or information relating to venereal disease or abortion except with the minor's consent. This provision shall apply in lieu of section 29.1(b)(7) of this Part;

(7) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(8) ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;

(9) claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;

(10) failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and

professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional facility, or at a commercial establishment offering health services to the public;

(11) entering into an arrangement or agreement with a pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions;

(12) with respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law, failing to post conspicuously at the site of such practice the names and the licensure field of all of the principal professional licensees engaged in practice at that site (i.e., principal partners, officers or principal shareholders.)

Historical Note

Sec. filed Aug. 2, 1977; amds. filed: Oct. 3, 1977; Nov. 3, 1977; Aug. 3, 1978; Oct. 24, 1978 eff. Dec. 1, 1978.

REGULATIONS OF THE COMMISSIONER OF EDUCATION

PART 76

OCCUPATIONAL THERAPY

§76.1 Educational requirements.[1] The baccalaureate or master's degree in occupational therapy required for admission to the examination shall be based on completion of a program registered by the department or accredited by an accreditation agency satisfactory to the department. A registered program shall include:

(a) Basic human sciences of not less than 15 semester hours including content in each of the following:

(1) Human anatomy and neuroanatomy;

(2) Human physiology and neurophysiology;

(3) Functional anatomy (kinesiology);

(4) Basic medical sciences including content in the following:

(i) Gerontology;

(ii) Medicine;

(iii) Orthopedics;

(iv) Pediatrics;

(v) Neurology.

[1] Chapter 161 of the Laws of 1978 provide for a certificate program in occupational therapy in addition to the baccalaureate or master.

(b) A course in human development of not less than three credits.

(c) Basic behavioral sciences including theories in psychology and psychiatry of not less than nine credits.

(d) Basic and applied occupational therapy theory, skills, and practice of at least 20 credits.

(e) Practicum equivalent to at least six months of full-time supervised experience.

§76.2 Supervised experience. (a) The six months of full-time supervised experience in occupational therapy may be completed as part of the basic program described in section 76.1 of this Part. Full-time experience not completed as part of an approved program shall be under the supervision of a licensed occupational therapist.

(b) For candidates who have accumulated other than full-time supervised experience, part-time experience may be counted if it is obtained at the rate of at least two full days per week (minimum of 15 hours) and for continuous periods of not less than two months for an accumulated total of six months.

§76.3 Examination. At the discretion of the State Board for Occupational Therapy and with the approval of the department, the certification examination of the American Occupational Therapy Association may be used in whole or in part.

§76.4 Limited permits. The following persons may be eligible for a limited permit:

(a) A foreign occupational therapist applying under paragraph a of subdivision 1 of section 7905 shall submit satisfactory evidence of completion of a program in occupational therapy leading to a baccalaureate degree or equivalent certificate. Such program shall be substantially equivalent to a registered program as described in section 76.1 of this Part.

(b) Limited permits may be renewed once for a period not to exceed one year at the discretion of the department because of personal or family illness or other extenuating circumstances which prevented the permittee from becoming licensed, provided the permittee has not failed the licensing examination in occupational therapy.

§76.5 Occupational therapy assistant. (a) For certification as an occupational therapy assistant, an applicant shall submit evidence of:

(1) Completion of a two-year associate degree program for occupational therapy assistants registered by the department. (Certification

prior to April 1, 1976 as an occupational therapy assistant by the American Occupational Therapy Association may be accepted in lieu of the foregoing.); or

(2) Completion of a postsecondary program in occupational therapy of at least two years duration and which is satisfactory to the department.

(b) An occupational therapy assistant program shall include at least the following:

(1) Communication and interpersonal skills of not less than six semester credits.

(2) Health-illness-health concepts of not less than 15 semester credits.

(3) Specific life tasks and skills of not less than nine semester credits.

(4) Occupational therapy principles and application of not less than six semester credits.

(5) A minimum of two months of field work experience in two different settings under the supervision of a licensed occupational therapist is required.

§76.6 Special conditions: licensing without examination. To be licensed without examination an applicant must satisfy the following:

(a) File an application not later than September 30, 1976.

(b) Meet the requirements of subdivisions 5 and 7 of section 7904 and pay a fee to the department for initial licensing of $50 and for each biennial registration of $30, and

(c) (1) Submit evidence of having obtained prior to April 1, 1976 at least three years of full-time experience in occupational therapy satisfactory to the State Board for Occupational Therapy.

(i) Such experience shall be acceptable only if it was accompanied by a training program satisfactory to the board. Certification as an "Occupational Therapist Registered" by the American Occupational Therapy Association may be accepted in lieu of training evidence. Experience used to qualify for certification by the American Occupational Therapy Association may not be used as part of the three-year requirement for licensure without examination.

(ii) Part-time experience may be counted toward meeting the three-year requirements if it was accumulated at not less than 15 hours per week for continuous periods of not less than six months; or

(2) Meet the requirements of subdivisions (a) and (b) of this section and have received a baccalaureate degree or its equivalent in occupational therapy prior to April 1, 1976 and satisfactory to the department.

PART 78

BIENNIAL REGISTRATION OF PROFESSIONAL PRACTITIONERS

§78.1 Applications. At least four months prior to the beginning date of the registration period, the department will mail to each registered practitioner at his last recorded address an application for registration. A certificate of registration will be issued to each eligible practitioner who returns the completed application to the department with the fee required.

§78.4 Registration changes. Each professional practitioner shall notify the department of any change of name or address within 30 days of such change.

§78.5 Failure to register. Any practitioner who fails to register and who continues to practice or to use restricted titles after the beginning date of the registration period in violation of Title VIII of the Education Law shall be subject to penalties as set forth in section 6502 of such law. Late registrants shall pay penalty fees in accordance with section 6502. Any practitioner who willfully refuses to register shall be subject to penalties set forth in section 6511 of such law.